


## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Karen Thomas, Case Manager  
 Joel Lawson, Associate Director Development Review

**DATE:** May 10, 2016

**SUBJECT:** BZA #16257A – 5413 16<sup>th</sup> Street N.W.  
 Special Exception to allow continued operation of an existing childcare center

### **I. RECOMMENDATION**

With regard to this proposal to continue operation of an existing childcare center, the Office of Planning (OP) recommends **approval** of the following special exception relief:

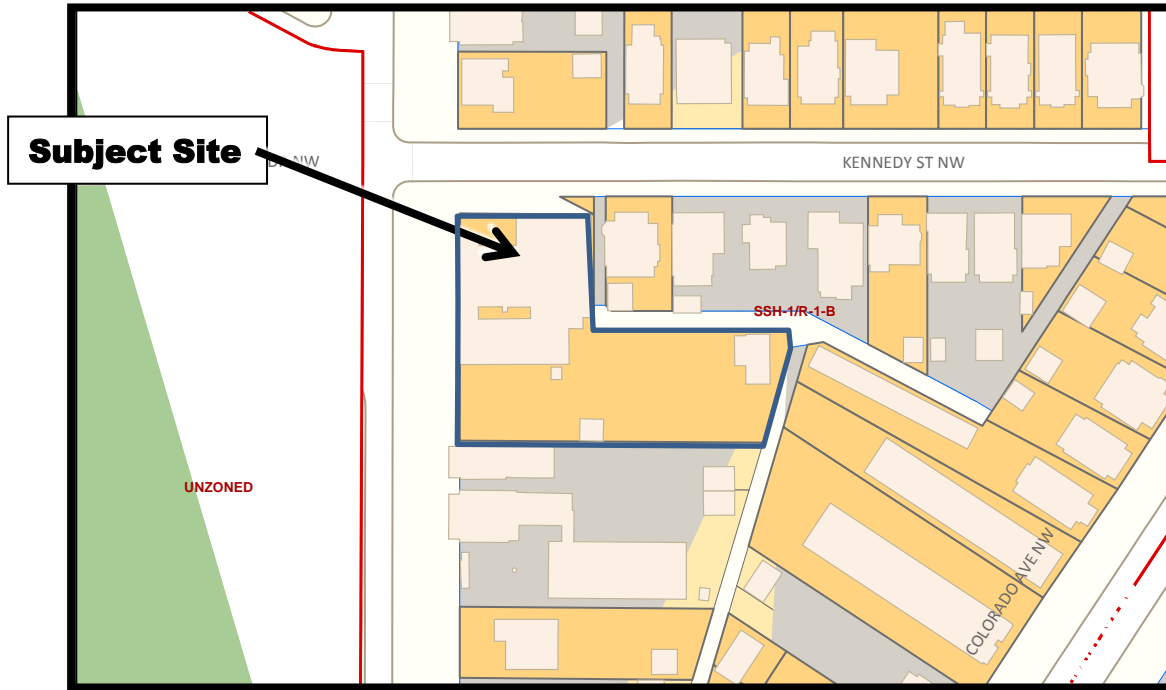
- § 205 Childcare Center

The recommendation of approval is subject to the following conditions. The applicant has not indicated any objections to the conditions.

1. Student enrollment shall not exceed 130.
2. Student ages can be between 3 years and up to and including 7 years old.
3. The number of staff shall not exceed 12.
4. The hours of operation shall be between 7:00 AM and 6:00 PM, Monday through Friday.
5. Vehicular drop-off of students shall only be from the parking area at the rear of the church facility.

### **II. LOCATION AND SITE DESCRIPTION**

Address	5313 16 <sup>th</sup> Street NW
Legal Description	Square 2718, 0853
Zoning	SSH-1/R-1-B
Ward and ANC	4, 4C02
Lot Characteristics and Existing Development	L-shaped flat lot with frontage on both 16 <sup>th</sup> Street and Kennedy Street; Existing church building and church hall main entrances face east; Parking lot to the west at the rear of the church with entrance via an alley from Kennedy Street.
Adjacent Properties and Neighborhood Character	Single family detached homes with other smaller institutional uses such as churches and chanceries.



### III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to continue the operation of an existing childcare center with a maximum of 12 staff and children within the age range from 3 years to 7 years. The center is located in the basement of the main church building, and according to the applicant the space in the building used for the center would not be expanding. The applicant has leased this space at this location since 2004.

### IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The subject site is within the SSH/ R-1-B District. In order to establish or expand a childcare center, special exception relief pursuant to the guidelines of § 205 is required.

### V. ANALYSIS

**205.1** *Use as a child/elderly development center or adult day treatment facility shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

The existing use has a certificate of occupancy. OP was not able to find a record of a previous BZA approval, but the applicant is following proper procedure by seeking Board approval for the continued operation of the facility. The applicant was referred by the Zoning Administrator to seek the requested relief in order to receive an updated certificate of occupancy. The applicant has leased space at this church since 2004.

**205.2      *The center or facility shall be capable of meeting all applicable code and licensing requirements.***

The Office of the State Superintendent of Education will examine the facility for compliance with applicable licensing requirements. A letter of support from OSSE dated April 21, 2016 is submitted to the record as Exhibit 29.

**205.3      *The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.***

OP is not aware of any traffic issues regarding the existing center. It is anticipated that DDOT will submit a report to the record examining drop-off and pick-up conditions, parking, and trash removal. OP recommends a condition that drop-off and pick-up occur only on-site at the rear parking lot.

**205.4      *The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.***

The 17-space parking lot for the facility would exceed the parking requirement of four spaces.

**205.5      *The center or facility, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.***

The proposed expansion of the existing use should have no objectionable impacts on nearby properties. The use is located in the basement and first floor of the church, so there should be no impact from indoor activities. Trash would be collected in the dumpster at the rear of the property in the parking lot. The play area would likely generate noise with its use. The applicant needs to clarify when children would be in the play area and the maximum number of children using the play area at any one time.

**205.6      *The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.***

The Office of Planning recommends no special design treatments.

**205.7      *Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at center or facility in traveling between the play area and the center or facility itself.***

The childcare center utilizes the on-site play area in the grassy area south of the parking lot at the rear of the church buildings.

**205.8**      *The Board may approve more than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.*

The District's GIS data indicates no other childcare centers within 1,000 feet of the subject property.

**205.9**      *Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.*

OP anticipates that DDOT will submit a report under separate cover. As of this writing, OP is not aware of comments from other District agencies.

**205.10**     *The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia.*

OSSE will review the application against all applicable licensing requirements.

## **VI. COMMUNITY COMMENTS**

As of the writing of OP's report comments have not been received from the community or noted to the record.